

WILLING TO ARBITRATE

County Court Clerk Will Take
Legal Steps if This Is Not
Agreed to, However.

HOLDS BONDS ARE RECORDS

Charles E. Watson Makes
Statement in Regard to Fees
Disallowed by Ragon.

Acting County Judge J. H. Ragon yesterday disallowed fees for ex-officio service claimed by County Court Clerk Charles E. Watson. The amount disallowed was \$391.57. Mr. Watson had filed claim for \$1,178.39, but only \$256.82 was allowed. Judge Ragon gave as his reasons for disallowing the fees that certain duties are imposed on public officials for which they are not to be paid. He holds that the officer takes the office burdened with such duties and expressly agrees to perform them without compensation. Mr. Watson claimed the fees on the section of the code which reads: "The clerk shall be entitled to 50 cents for affixing his seal to a record." Regarding the fees claimed by Mr. Watson for affixing his seal to the \$500,000 bond issue, Judge Ragon held that the bonds are not records and therefore no fee for affixing the seal of the clerk can be claimed. Mr. Watson expressly disagrees with Judge Ragon and Friday morning wrote him a letter in which he suggested that the matter be arbitrated. The suggestion of Mr. Watson is that Judge Ragon select two lawyers and Mr. Watson select two, and these four lawyers select a fifth lawyer, and the matter be in that way settled, the clerk and the county judge both agreeing to abide by the decision of the board of arbitration.

Mr. Watson further claims that in his contention for the fees he has asked for he is supported by County Attorney Will F. Chamblee, who has already passed on the matter. However,

Mr. Watson says that unless Judge Ragon agrees to his plan of arbitration he will take the necessary legal steps to collect what he thinks he is entitled to. Mr. Watson said it was not his disposition to want a single penny he was not entitled to, and if it was learned that he was wrong in his contention he did not want one penny. When seen Friday morning by a News reporter, Mr. Watson made the following statement:

"With reference to the article in the Times of August 23, headed 'Clerk's Fees Disapproved,' I desire to state that I have no desire to thrash the matter out through newspaper articles. However, in justice to myself I feel that I should answer your question as to my position in the matter.

"The claim for \$679 for affixing my seal to 1,338 bonds during my term of office of four years, was filed with Judge Cummings in April, 1917, and since that time the matter has been held in abeyance. Under date April 14, 1917, the county attorney, W. F. Chamblee, in response to a query from Judge Cummings rendered an opinion wherein he states:

"The charge made by the county court clerk for signing these bonds is allowed under section of the code above referred to."

"Under date July 21, 1915, the Hon. James D. Johnson, county attorney of Knox county, in response to an inquiry from the county judge of that county asking for an opinion as to whether the clerk of the county was entitled to a fee of 50 cents for attaching seal to each of the bonds of a \$500,000 bond issue, rendered the following opinion: 'Upon investigation I am able to find no charge for affixing seal for less than 50 cents. I am of the opinion that when the records of the county court in issue bonds require the signature and seal of the county court clerk, he is entitled to the fee of 50 cents each. The clerk has to assume a certain amount of responsibility in these matters, and if he should wrongfully certify or seal an instrument he and his bondsmen might be liable if any damage should occur. I am of the opinion that the clerk is entitled to this fee of 50 cents each for affixing his seal and signature to these bonds.'

"Judge Ragon has these two opinions before him before making up his mind on the matter, but it seems that he has entered into an argument as to what is a record and considers a bond as merely an evidence of indebtedness and not a record, and for that reason he holds I am not entitled to compensation. In the Tennessee Tax Digest of 1907, page 340, under the fee statutes:

"For affixing seal of court to record, 50 cents." It is shown that the supreme court in the case of State vs. Self, 100 Tex. 212, rendered an opinion holding that the clerk was entitled to a fee of 50 cents for each of three seals, and the following appears as relating to this decision of the supreme court:

"Under this provision the above fee may be charged for the following: Seal of court to other records or instruments when required by law or the parties 50 cents."

"While, in my opinion, the bonds of the county are among its most sacred records, yet for the sake of argument, we will assume that Judge Ragon is right in his contention that bonds are not records, although they are an exact duplication of the resolutions of the county court as appears on the quarterly records; then striking out the word 'records' as set out in the Tax Digest above quoted, it would read as follows:

"Under this provision the above fee may be charged for the following: Seal of court to other instruments when required by law or the parties 50 cents."

"It cannot, in my opinion, be denied by any one that any paper either printed or in writing requiring the seal of the county court clerk is an instrument which might be mentioned, and this being true, and it being considered only an instrument and not a record, it cannot be denied that the acts of the legislature and the resolution of the county court in this regard would not question the correctness of this charge.

"As to the charge for registering county warrants, will state that this is a specific service not required by all clerks of the state, but as I understand it made payable only to Hamilton county, and as this is a special duty imposed upon the clerk, the county court has a right to fix the compensation therefor. This fee did as set out in Volume 8, page 410, of the Quarterly Record through the adoption of the report of the finance committee of the county court reading as follows:

"There is an act of the general assembly, which provides that all county warrants be registered in the office of the county court clerk, and for such services no rate of compensation is fixed for this service. The court heretofore fixed a fee for registering each warrant of 10 cents, for the work required and the large number of warrants issued. Your finance committee have had the matter with the clerk of the county court, W. P. Hays, and have mutually agreed on a fee of 7-1/2 cents for registering each warrant. Your committee on finances recommends that the court approve this rate the same to apply on all registration of warrants since January, 1907."

"A. J. GAHAGAN, Chairman.
"W. B. HARRIS,
"W. F. JONES,
"W. J. CUMMINGS."

"It will thus be seen that the county court has always considered the clerk entitled to compensation for this service, and as high as 15 cents has been paid for the registration of each county warrant. Of course, as to the four items of 50 cents for affixing the seal of the clerk to the county judge's seal, and county trustee, the same rule applies as in the above matter referred to."

"With reference to the ex-officio fees of \$50 which Judge Ragon states is disallowed because the court has not made the allowance and until it does so the clerk is not entitled to any allowance, will state that I have at each quarterly session of the county court presented my bill, which included a charge of \$50 for ex-officio fees; this bill has been passed upon by the claims committee, duly reported to the county court with recommendation that the same be allowed and the county judge authorized to issue warrant therefor, and said report of the claims committee has in every instance been unanimously adopted on a roll-call vote, as is shown by the records in this office. This being true, I fail to understand how Judge Ragon could arrive at the conclusion that no allowance had been made in this respect."

"Of course, feeling as I do that I am entitled to these fees, and it takes the fees that are allowed by statute to make the compensation of the clerk, whether the services are performed for the county or for an individual, I have proposed to select the fifth man, and abide by their decision. If Judge Ragon is not willing to do this, of course, I will take such legal steps as are necessary to protect my interests, as I feel that I am justly and rightfully entitled to this compensation for services heretofore rendered."

"Indigestion.
"A few weeks ago I used a bottle of Chamberlain's Tablets when I was having a bad spell of indigestion. These tablets strengthened my stomach and toned up my system generally. They are easy to take and most effective." writes Mrs. D. S. Dart, Skaneateles, N. Y.—(Adv.)

APPROVAL FOR AUDITORIUM

Fosdick, Chairman Commission
Training Camp Activities,
Trying for Priority.

MAY RESUME WORK

Commissioner Herron Awaiting
Word Regarding Preference
Before Proceeding.

Officials of the war and navy commission and of the navy commission on training camp activities have approved of the construction of the city auditorium and soldiers' clubroom, and in all probability priority orders in regard to shipment of material will immediately be granted making it possible for the construction work to begin. The stand taken by these officials indicates that they have disagreed with the stand taken by the community labor board of the United States employment service.

The approval of the project by these officials was voiced in the following telegram, which was received yesterday by A. R. Meacham, local executive secretary of the war camp community service, from E. D. Caulkins, manager of the Washington office of the organization:

"Fosdick, chairman war and navy commission, and Egan, vice-chairman of the navy commission on training camp activities, approve your soldiers' auditorium and clubroom construction and Egan is personally negotiating for priority orders needed. Has official assurance materials within jurisdiction of the priorities board will be granted and orders will reach you regular routine. Notify Herron and Bearden."

"E. D. CAULKINS,
"Manager Washington Office."

Following the receipt of this telegram, Mr. Meacham immediately forwarded a copy of it to the office of Commissioner Herron. Mr. Herron stated that in his opinion the service was a good indication that priority orders which are needed will be granted. He said that as soon as he received official notice that these orders would be granted he would take it as an endorsement on the part of the government and would feel no hesitancy in securing the labor necessary for the work of construction. He will order that the work be resumed as soon as this order is received.

Mr. Meacham has been notified that more definite information will be sent to him immediately in regard to the materials which do not come under the jurisdiction of the priorities board.

CURTISS HOLMES SAYS
AIR SERVICE IS GREAT

Curtis Holmes, a well-known young Chattanooga, who volunteered for Uncle Sam's air service and for several months has been at Kelly field, San Antonio, Tex., is home on a furlough. He returns to Chattanooga Saturday night.

Curtis is a stage inspector at Kelly field. He is in charge of nine machines

LITTLETON AND HAYES DECLINE TO COMMENT

When interviewed this morning in regard to charges made against his office by Commissioner T. C. Betterton, in connection with the Charles Hayes audit, Mayor Jesse Littleton would make no statement but that "politics had been adjourned" and he did not want to make any reply to Mr. Betterton's charges.

When seen at the courthouse this morning by a reporter and asked if he wished to make any reply, Mr. Hayes stated that he had nothing to say at this time in answer to Mr. Betterton's charges.

and has about thirty-five men under him. Upon his return he will take the examination for first-class sergeant and expert airplane mechanic. He likes the air service fine and characterizes it as "great." He presents a fine picture of a mechanic's school.

For while Curtis was instructor of the University of Chattanooga, is a first sergeant in air squadron 244 at Kelly field. Puschal served for some time as a trainee officer.

Before entering the service of Uncle Sam, Curtis Holmes was associated with his brother, Ernest Holmes, in the automobile business. The young man is a graduate of Central High school. He has been up in the air on different occasions.

SOLDIERS' BASEBALL LEAGUE MAKES CHANGES

Motor Group Will Play Battalion
in Opening Game of
Season Saturday.

It is announced that the baseball league which was recently organized among the various units of Camp Greenleaf has reorganized its schedule, owing to the fact that the general hospital team has dropped out of the league. The league now consists of teams from Battalion 15, the motor group, the replacement group, the base hospital and the evacuation hospital. The scheduled season will begin Saturday afternoon at 2:30, when the motor group will play Battalion 15, and the replacement group will mix with the base hospital. The games will be played on Saturday and Sunday afternoons, and each team will play eleven games. The season will close on October 5. The commanding officers in the detention camp have shown the greatest interest in the new league, and it was through their energetic efforts that the league was organized. Camp Physical Director Brown, of the Y. M. C. A., is president of the league.

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Is Already Accomplishing Wonders—Greenwood Man Claims a Gain of 16 Pounds and Overcomes Rheumatism and Stomach Trouble.

The discovery of VI-TO-NA places America ahead of the world in another branch. In fact, it is one of the first real medical discoveries that can be said to be typically American, and it is at a par with other great American inventions, such as the telegraph, telephone, aeroplane and submarine.

Richard B. Henry, a well-known young farmer, who lives on the R. F. D. No. 3, Greenwood, S. C., says: "I suffered with rheumatism ever since I was a child. I also had stomach trouble and indigestion so bad I had to be very careful about what I ate. I had severe pains in my stomach after eating and vomiting spells would set in. Gas would form on my stomach and give me misery. I had awful rheumatic pains in my joints and in my feet and ankles, and got so bad off I had to take to the bed and stay there for weeks. I lost strength and fell off until I weighed only 124 pounds. My heart would beat fast, and sometimes I feared I had heart trouble. I tried all kind of medicines, but nothing seemed to reach my case to help me."

"But VI-TO-NA got right down after my troubles and now I feel like a different man. The rheumatic pains have disappeared, my heart is regular, and the pains in my stomach are a thing of the past. I have a good appetite and eat just anything I want, with no bad after effects. I am not nervous like I was. I sleep sound and can do as much work on the farm as anybody. I now weigh 140 pounds, which is a gain of 16 pounds, and am full of life and vitality. I consider VI-TO-NA to be the greatest discovery of the age, and believe it will be of untold benefit to suffering humanity."

VI-TO-NA is on sale in Chattanooga, exclusively by Jo Anderson Drug Co. and in East Chattanooga by Sherman Heights Drug Co.; by Alton Park Pharmacy in Alton Park, Tenn.

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